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Attorneys for BELLE ESPRIT

HOMEOWNERS ASSOCIATION

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

NATIONAL DEFAULT SERVICING  
CORPORATION,

Plaintiff,

vs.

VICTOR MAESTAZ, an unmarried man;  
REAL TIME RESOLUTIONS, INC., a  
Foreign Corporation; THE BANK OF NEW  
YORK MELLON FKA THE BANK OF  
NEW YORK, AS SUCCESSOR TRUSTEE  
TO JPMORGAN CHASE BANK, N.A., AS  
TRUSTEE, ON BEHALF OF THE  
CERTIFICATEHOLDERS OF THE  
CWHEQ INC., CWHEQ REVOLVING  
HOME EQUITY LOAN TRUST, SERIES  
2006-H, a Foreign Business Corporation;  
BELLE ESPRIT HOMEOWNERS  
ASSOCIATION, a Domestic Nonprofit  
Corporation; INTERNAL REVENUE  
SERVICE, a Government Agency; and  
DOES 1 through 10 and ROE BUSINESS  
ENTITIES 1 through 10, inclusive,

Defendant.

Case Number:

2:22-cv-01027-MMD-EJY

**AMENDED STIPULATION**  
**REGARDING THE DISTRIBUTION OF**  
**THE EXCESS PROCEEDS ON**  
**DEPOSIT WITH THE COURT**

IT IS HEREBY STIPULATED AND AGREED by and between the remaining parties to this action: Defendant Belle Esprit Homeowners Association (“HOA”); Defendant United States on behalf of the Internal Revenue Service (“IRS”); and Defendants Real Time Resolutions, Inc. and The Bank Of New York Mellon fka The Bank Of New York, as Successor Trustee to JPMorgan Chase Bank, N.A., as Trustee, on behalf of the Certificate holders of the CWHEQ Inc., CWHEQ Revolving Home Equity Loan Trust, Series 2006-H

1 (“BANK”) (collectively “PARTIES” or “PARTY”), by and through undersigned and  
2 respective counsel of record, hereby stipulate and agree as follows:

3 IT IS HEREBY STIPULATED AND AGREED that the IRS, HOA and BANK are  
4 the remaining parties to this action;

5 IT IS HEREBY STIPULATED AND AGREED that each of the PARTIES have valid  
6 legitimate claims to the ONE HUNDRED TWENTY-THREE THOUSAND THREE  
7 HUNDRED NINE DOLLARS AND EIGHTY-SIX CENTS (US \$123,309.86) that was cash  
8 deposited with the Court by the Plaintiff (“DEPOSITED FUNDS”), who was previously  
9 released and discharged from this action;

10 IT IS HEREBY STIPULATED AND AGREED that the PARTIES have agreed to a  
11 resolution and settlement of their respective allegations and defenses at issue herein;

12 IT IS HEREBY STIPULATED AND AGREED that the DEPOSITED FUNDS shall  
13 be released and disbursed to the PARTIES based on a pro-rata basis of their respective  
14 monetary claims as follows:

<b>PARTY</b>	<b>Monetary Claim (Principal Amount)</b>	<b>Pro-Rata Amount to be Released / Disbursed out of the \$123,309.86</b>
IRS	\$24,452.43	\$19,799.14 16.05640867%
HOA	\$17,838.35	\$14,443.71 11.71334863%
BANK	\$110,000.00	\$89,067.01 72.2302427%

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21 IT IS HEREBY STIPULATED AND AGREED by the PARTIES that interest shall  
22 be distributed evenly between the remaining PARTIES at 33.33% each and the interest must  
23 be disbursed as specified.

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1 IT IS HEREBY STIPULATED AND AGREED by the PARTIES that disbursement  
2 should be made payable to and mailed to the following:

3 1. Party: BELLE ESPRIT HOMEOWNERS ASSOCIATION, a Domestic Non-  
4 Profit Corporation

5 Payable to: Marquis Aurbach Trust Account

6 Mailing address: Marquis Aurbach  
7 10001 Park Run Dr.  
8 Las Vegas, NV 89145

9 2. Party: INTERNAL REVENUE SERVICE, a Government Agency

10 Payable to: U.S. Department of the Treasury

11 Mailing Address: I.R.S.  
12 M/S 5021PHX  
13 4041 N. Central Avenue  
14 Phoenix, AZ 85012

15 3. Party: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW  
16 YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS  
17 TRUSTEE, ON BEHALF OF THE CERTIFICATE HOLDERS OF THE CWHEQ INC.,  
18 CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-H

19 Payable to: The Bank of New York Mellon f/k/a The Bank of New York, as  
20 Successor Trustee to JPMorgan Chase Bank, N.A., as Trustee, on behalf of the  
21 Certificateholders of the CWHEQ Inc., CWHEQ Revolving Home Equity Loan Trust,  
22 Series 2006-H

23 Mailing Address: ZBS Law, LLP  
24 c/o Sara Hunsaker  
25 9435 W. Russell Rd. Suite 120  
26 Las Vegas, NV 89148  
27  
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IT IS HEREBY STIPULATED AND AGREED that after the DEPOSITED FUNDS are released and disbursed to the PARTIES, there are no other outstanding issues or claims to be resolved or need be addressed by the Court; and, thus, this action may be closed.

Dated 10th day of February, 2023

Dated 10th day of February, 2023

MARQUIS AURBACH

ZBS LAW, LLP

/s/Cody S. Mounter, Esq.

Cody S. Mounter, Esq.  
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Attorneys for BELLE ESPRIT  
HOMEOWNERS ASSOCIATION

/s/J. Stephen Dolembro, Esq.

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Attorneys for Defendants Real Time  
Resolutions, Inc. and The Bank Of New  
York Mellon fka The Bank Of New York, as  
Successor Trustee to JPMorgan Chase  
Bank, N.A., as Trustee, on behalf of the  
Certificateholders of the CWHEQ Inc.,  
CWHEQ Revolving Home Equity Loan  
Trust, Series 2006-H ("BANK")

Dated 10th day of February, 2023

/s/Stephen R. Hanson, II, Esq.

Jason M. Frierson, Esq.  
Nevada Bar No.: 7709  
Stephen R. Hanson, II, Esq.  
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Attorney for United States on behalf of the  
Internal Revenue Service ("IRS")

MARQUIS AURBACH

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National Defaulting Service Corp. v. MAESTAZ  
Case No. 2:22-cv-01027-MMD-EJY

**ORDER**

**IT IS SO ORDER.**

DATED 15th day of February, 2023



UNITED STATES DISTRICT COURT JUDGE

Submitted by:

Dated this 10th day of February, 2023.

MARQUIS AURBACH

/s/Cody S. Munteer, Esq.

Cody S. Munteer, Esq.

Nevada Bar No. 11220

10001 Park Run Dr.

Las Vegas, Nevada 89145

*Attorney for Belle Esprit Homeowners*

*Association ("HOA")*

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